

House Amendment 1650

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1 1 Amend House File 795 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting in lieu thereof the following:
1 4 <Section 1. Section 85.27, subsection 4, Code
1 5 2009, is amended by striking the subsection and
1 6 inserting in lieu thereof the following:
1 7 4. a. For purposes of this section, the employer
1 8 is obligated to furnish reasonable services and
1 9 supplies to treat an injured employee, and has the
1 10 right to choose the initial provider of medical care.
1 11 When an injury occurs, the employer shall promptly
1 12 provide medical care for the injury and designate a
1 13 licensed physician to treat the injury and any
1 14 condition that the physician believes is causally
1 15 related to the injury. For the purposes of this
1 16 section, "physician" means the same as defined in
1 17 section 135.1.
1 18 (1) The designated treating physician shall be
1 19 authorized by the employer to treat the injury at the
1 20 employer's expense, in any manner deemed appropriate
1 21 by the physician, without a requirement of approval at
1 22 any time by a representative or agent of the employer
1 23 or the employer's insurer for diagnostic testing or
1 24 treatment modalities ordered by the designated
1 25 treating physician.
1 26 (2) The designated treating physician shall also
1 27 be authorized by the employer to refer the injured
1 28 employee to other physicians, therapists, or medical
1 29 providers of specialized services at the employer's
1 30 expense without a requirement of approval at any time
1 31 by a representative or agent of the employer or the
1 32 employer's insurer.
1 33 (3) The physicians, therapists, or medical
1 34 providers of specialized services to whom the injured
1 35 employee is referred by the designated treating
1 36 physician shall be authorized to treat the injury at
1 37 the employer's expense, in any manner deemed
1 38 appropriate by the physician, therapist, or medical
1 39 provider of specialized services without a requirement
1 40 of approval at any time by a representative or agent
1 41 of the employer or the employer's insurer for
1 42 diagnostic testing or treatment modalities ordered by
1 43 the physician, therapist, or medical provider.
1 44 b. (1) If at any time prior to an evaluation of
1 45 permanent disability by the treating physician
1 46 designated by the employer or by a physician to whom
1 47 the injured employee has been referred by the
1 48 designated treating physician, the employee has reason
1 49 to be dissatisfied with the treatment options or
1 50 medical opinions of such physicians, the employee may
2 1 request that the employer pay the reasonable costs of
2 2 an examination of the employee by a physician of the
2 3 employee's choice for purposes of identifying further
2 4 or other treatment options or medical opinions. The
2 5 employer shall also reimburse the employee for the
2 6 reasonably necessary transportation expenses incurred
2 7 by the employee in traveling to and from the place of
2 8 examination.
2 9 (2) If, after examination of the employee, the
2 10 physician chosen by the employee recommends further or
2 11 other treatment for the employee's injury or provides
2 12 other medical opinions, the employee may discontinue
2 13 treatment by the treating physician designated by the
2 14 employer or by a physician, therapist, or medical
2 15 provider of specialized services to whom the employee
2 16 has been referred by the employer's designated
2 17 treating physician, and may commence treatment of the
2 18 injury with the physician chosen by the employee.
2 19 c. If the employer or employee has reason to be
2 20 dissatisfied with any medical care or treatment
2 21 ordered for or provided to the injured employee
2 22 pursuant to this subsection, the employer and the
2 23 employee may mutually agree upon alternate care.
2 24 (1) If the employer and employee cannot agree on

2 25 alternate care, either the employer or the employee
2 26 shall notify an insurance claims specialist with the
2 27 division of workers' compensation who shall, within
2 28 five working days of receiving such notification,
2 29 schedule a conference between the employer and
2 30 employee by any reasonable manner available to review
2 31 the basis for dissatisfaction and at such conference
2 32 provide an advisory opinion to resolve the medical
2 33 care dispute.

2 34 (2) If, following the conference with the
2 35 insurance claims specialist as provided in
2 36 subparagraph (1), the employer and employee cannot
2 37 agree on alternate care, the workers' compensation
2 38 commissioner may, upon application and reasonable
2 39 proof of the necessity therefor, allow and order
2 40 alternate care. The commissioner shall not be bound
2 41 by the advisory opinion of the insurance claims
2 42 specialist. Upon application by either the employer
2 43 or employee, the commissioner shall conduct a hearing
2 44 by any reasonable manner available to effectuate a
2 45 prompt resolution of the alternate care dispute. The
2 46 commissioner shall issue a decision within ten working
2 47 days of receipt of an application for alternate care.

2 48 d. The employer or its insurer is liable for the
2 49 costs of all medical care provided to the employee by
2 50 all physicians, therapists, or medical providers
3 1 designated by the employer, employee, or commissioner
3 2 pursuant to this section and shall hold the employee
3 3 harmless for the cost of the medical care provided and
3 4 reasonably necessary transportation expenses incurred.

3 5 e. (1) The employer has the right to request, as
3 6 often as is reasonable, that an injured employee
3 7 submit, at a reasonable time and place, to an
3 8 examination by a physician chosen by the employer and
3 9 authorized to practice under the laws of this state or
3 10 another state, for any purpose relevant to the
3 11 employer's duties to provide benefits to the employee
3 12 pursuant to this chapter or chapters 85A, 85B, and 86.
3 13 If the employer requests in writing that the employee
3 14 submit to such an examination and offers to advance or
3 15 reimburse the employee's reasonably necessary
3 16 transportation expenses incurred in traveling to and
3 17 from the place of the examination, the employee shall
3 18 submit to the examination.

3 19 (2) Each time that an employee is requested to and
3 20 submits to an examination requested by the employer as
3 21 provided in subparagraph (1), the employee has the
3 22 right to be examined by a physician chosen by the
3 23 employee and authorized to practice under the laws of
3 24 this state or another state, for any purpose relevant
3 25 to the employer's duties to provide benefits to the
3 26 employee as provided in subparagraph (1).

3 27 (3) Each time that an employer obtains an
3 28 evaluation of an employee's permanent disability by a
3 29 physician chosen by the employer, if the injured
3 30 employee believes that the evaluation of the extent of
3 31 the employee's permanent disability is too low, the
3 32 employee may obtain a subsequent examination and
3 33 evaluation of the employee's permanent disability by a
3 34 physician of the employee's choice. The physician
3 35 chosen by the employee has the right to confer with
3 36 and obtain sufficient medical history of the employee
3 37 from the physician who examined the employee on behalf
3 38 of the employer to make a proper evaluation of the
3 39 employee's permanent disability.

3 40 (4) The employer shall promptly pay the costs of
3 41 any examination obtained pursuant to this paragraph
3 42 "e", or if necessary to obtain the examination,
3 43 advance the costs of the examination, and pay the
3 44 employee's reasonably necessary transportation
3 45 expenses incurred in traveling to and from the place
3 46 of any examination, and shall hold the employee
3 47 harmless for the cost of all examinations and medical
3 48 care provided pursuant to this paragraph "e" as well
3 49 as the employee's reasonably necessary transportation
3 50 expenses.

4 1 Sec. 2. Section 85.39, Code 2009, is repealed.

4 2 Sec. 3. EFFECTIVE AND APPLICABILITY DATE. This
4 3 Act takes effect January 1, 2010, and applies to
4 4 injuries occurring on or after that date.>

4 5 #2. Title page, by striking line 1, and inserting

4 6 the following: <An Act relating to furnishing
4 7 reasonable medical services and supplies to treat an
4 8 injured>.
4 9
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4 11 _____
4 12 R. OLSON of Polk
4 13 HF 795.201 83
4 14 av/rj/23335